

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA PICTURES INDUSTRIES, INC.
SONY PICTURES RELEASING CORPORATION,
SONY PICTURES HOME ENTERTAINMENT INC.,
and MARVEL CHARACTERS, INC.

07 Civ. 3597

Plaintiffs,

-against-

VERIFIED ANSWER
TO SECOND
AMENDED COMPLAINT

DAVID COHEN, sued herein as JOHN DOE
No.1, YAACOV COHEN, sued herein as
JOHN DOE No.2, PETER HU, sued herein as
JOHN DOE No.3, RUIHU ZHENG, sued herein as
JOHN DOE No.4, ANWAR ALAM, sued herein as
JOHN DOE No. 5, MICHAEL MARVISI, sued herein
as JOHN DOE No.6, ROBERT BECHT, as Trustee
under the Last Will and Testament of
Vincent Terranova, sued herein as
JOHN DOE No.7, EDWARD T. BORG, as Trustee
under the Last Will and Testament of
Vincent Terranova, sued herein as
JOHN DOE No. 8, GEORGE TERRANOVA, as
Trustee under the Last Will and Testament
of Vincent Terranova, sued herein as
JOHN DOE No.9, CARL TERRANOVA, as Trustee
under the Last Will and Testament of
Vincent Terranova, sued herein as
JOHN DOE No. 10, THE ESTATE OF VINCENT
TERRANOVA, sued herein as JOHN DOE No.11,
JOHN and JANE DOE Nos. 12 through 100,
365 CANAL CORP., sued herein as XYZ Co. No.1,
WANG DA INC. d/b/a WANG DA GIFT SHOP,
sued herein as XYZ Co. No. 2,
SYED TRADING CORP., Sued herein as
XYZ Co. No. 3, JUN YI SERVICES
COMPANY, sued herein as XYZ Co. No. 4,
AMSTERDAM BOUTIQUE INC., sued herein as
XYZ Co. No. 5, CANAL STREET DESIGNS, INC.,
Sued herein as XYZ Co. No. 6, JAVIN CANAL
REALTY, INC., sued herein as XYZ Co. No. 7,
and XYZ Company Nos. 8 through 100,

Defendants.

-----x
Defendant, JAVIN CANAL REALTY, INC. by Smith & Shapiro, its
attorneys, as and for its answer to plaintiff's Second Amended

Complaint (hereinafter referred to as the "Complaint"),
respectfully states, as follows:

1. Denies sufficient knowledge or information to form a belief with respect to paragraphs 1 through 5, 7 through 26, 29 through 35, 37, 40 through 50, and 52 through 107, inclusive, of the Complaint.

2. Denies each and every allegation contained in paragraphs 28, and 108 through 121, inclusive, of the Complaint.

3. Denies, except to the extent previously admitted, the allegations contained in paragraphs 6, 36 and 51 of the Complaint.

4. Leave to the Court to determine the applicability of the laws and statutes referred to in paragraphs 38 and 39 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. Plaintiff failed to provide the answering defendant with predicate written notice of its alleged tenant's unlawful activities.

6. That as a result of the plaintiff's failure to provide such predicate notice, the vicarious liability claimed in the Complaint did not attach to the answering defendant landlord.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That the tenant who allegedly engaged in the unlawful activities referred to in the Complaint has vacated the building owned by the answering defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. That New York State law requires that notice be given to an owner of a building where an illegal activity his being conducted by a tenant in its building.

9. That no notice was given to the answering defendant of any wrongdoing, or any illegal activity being conducted by any tenant in the answering defendant's building.

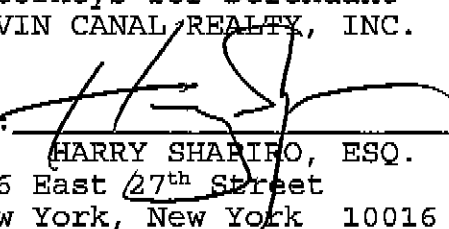
10. That the State of New York does not have a "strict liability" or "strict vicarious liability" theory(ies) under which an owner automatically becomes liable for wrongful acts, or illegal conduct by its tenants.

WHEREFORE, it is respectfully requested that the Complaint be dismissed against the answering defendant, together with costs and disbursements of this action.

Dated: New York, New York
October 17, 2007

Yours etc.,

SMITH & SHAPIRO
Attorneys for Defendant
JAVIN CANAL REALTY, INC.

By: 
HARRY SHAPIRO, ESQ.
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WEISBERG & WEISBERG
98 Cutter Mill Road
Great Neck, New York 11021

CORPORATE VERIFICATION


STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JASON L. CHIN, being duly sworn, deposes and says that deponent is the Vice President of Defendant, JAVIN CANAL REALTY, INC., in the within proceeding; that deponent has read the foregoing Answer, and knows the contents thereof; that the same are true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

Sworn to before me this
October 17, 2007



Notary Public



JASON L. CHIN

HAROLD FRECHTER
Notary Public, State of New York
No. 30-5006507
Qualified in Nassau County
Commission Expires January 4, 2011

AFFIRMATION OF SERVICE

HARRY SHAPIRO, an attorney at law duly admitted to practice before the Courts of the State of New York, affirms under the penalty of perjury and states:

On October 17, 2007, I served a copy of the attached Notice of Entry by depositing a true and correct copy of same enclosed in a postpaid, properly addressed wrapper, in a depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

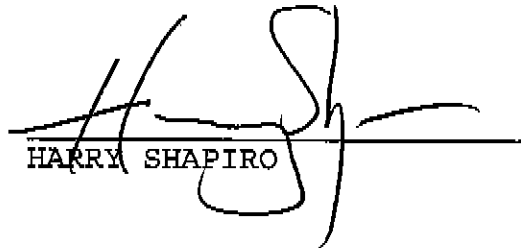
Moses & Singer LLP
405 Lexington Avenue
New York, New York 10174-1299

Leah Terranova, Esq.
120 Walker Street
New York, New York 10013

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225 Broadway, Suite 2702
New York, New York 10007

Weisberg & Weisberg
98 Cutter Mill Road
Great Neck, New York 11021

Dated: New York, New York
October 17, 2007



HARRY SHAPIRO

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SOUTHERN DISTRICT OF NEW YORK

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Defendants.

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VERIFIED ANSWER TO
SECOND AMENDED COMPLAINT

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SMITH & SHAPIRO
Attorneys for Defendant
JAVIN CANAL REALTY, INC.
116 East 27th Street, 3rd Floor
New York, New York 10016
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